



**CITY OF SUNNYVALE
REPORT
Planning Commission Public Hearing**

October 27, 2003

SUBJECT: **City of Sunnyvale** (Appellant) **San Jose Sabercats**
[Applicant]: Application(s) for a 71-acre site located at **1095 Dunford Avenue** in a PF (Public Facility) Zoning District (APN: 313-10-004):

Motion **2003-0634** – Appeal of a decision by the Administrative Hearing Officer denying a Use Permit to allow a tent cover over the Sabercats practice field from November through July annually.

REPORT IN BRIEF

Existing Site Conditions Open-air football practice field (astro-turf) located at Former Public Intermediate School site.

Surrounding Land Uses

North Single Family & Multi Family Residential

South Single Family Residential & Raynor Park

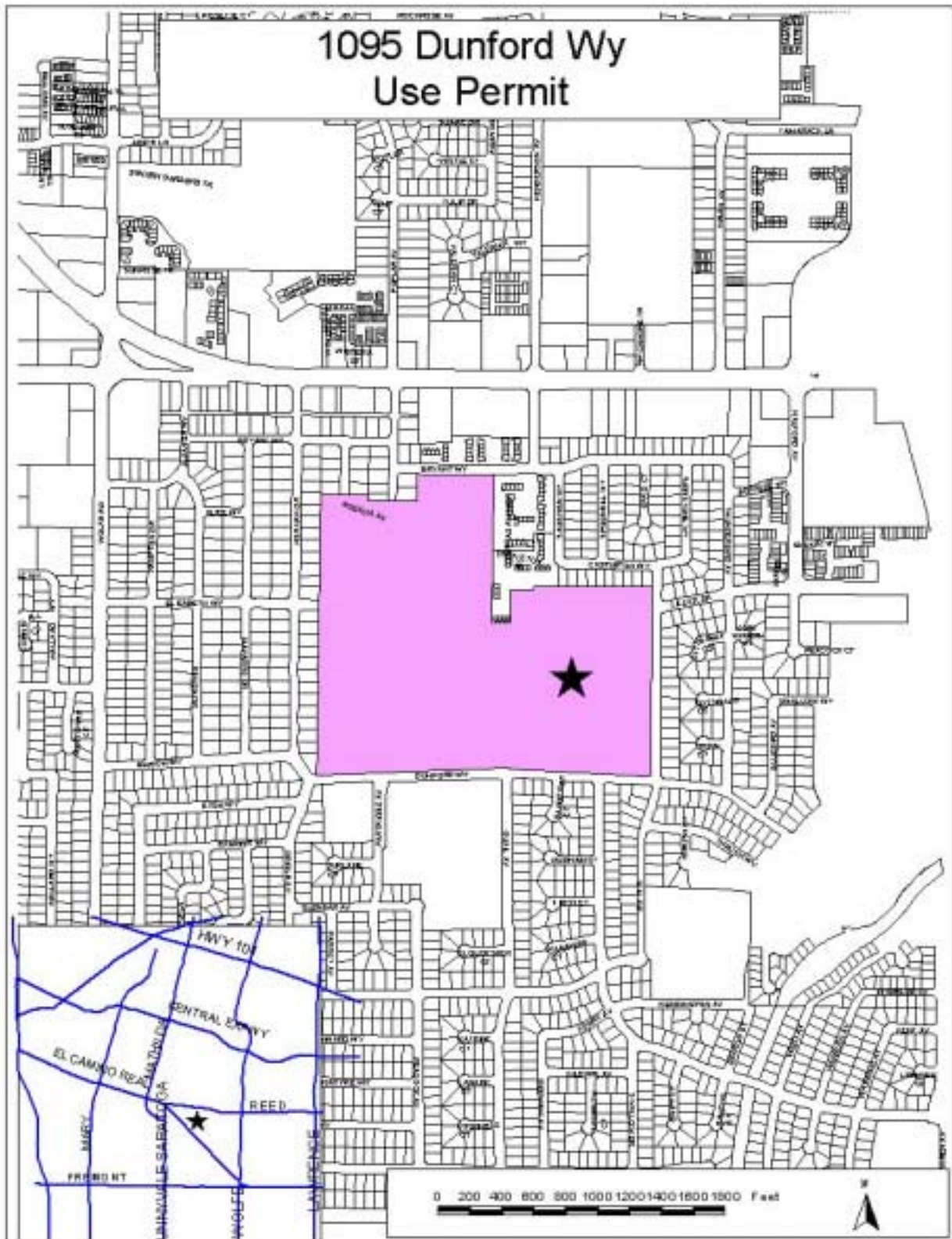
East Single Family Residential

West Peterson Middle School Site and Single Family Residential

Issues Aesthetic compatibility with surrounding uses
Noise Associated with Proposed Material
Architecture

Environmental Status A Class 11 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines.

Administrative Hearing Decision Staff Recommendation Denied the application.
Deny the appeal and uphold the decision of the Administrative Hearing Officer.



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	SCH	Same	---
Zoning District	PF	Same	---
Use	Open Air Astro-turf Football Practice Field	Enclosed Canvas Tent Covering Astro-turf Football Practice Field	By Use Permit
Entire Petersen Campus Lot Size (s.f./acres)	3,092,760 s.f./ 71 acres	Same	None
Former Patrick Henry School Site Lot Size (s.f./acres)	1,042,190 s.f. 23.9 acres	Same	None
Tent Area (s.f.)	N/A	22,000 s.f.	N/A
Gross Floor Area (s.f.)	63,599 s.f.	85,599 s.f.	None
Lot Coverage (%)	6%	8%	40% max.
Floor Area Ratio (FAR)	6%	8%	N/A
No. of Buildings On-Site	8	9	N/A
No. of Stories	1	2	2 max.
Building Height	14 ft. at Patrick Henry Site 28 ft. at Pederson Site	40 ft. 6 in.	40 ft. 6 in*
Landscaping (sq. ft.)			
• Total Landscaping	547,500 s.f. 52%	525,500 s.f. 50%	20% min.
• Frontage Width (ft.)	63 ft.	Same	15 ft. min.
• Landscaper Buffer (ft.)	650 ft.	Same	10 ft. min.
Parking			
• Total No. of Spaces	260	293	293 min.
• No. of Standards	253	286	286 min.
• No. of Accessible	7	Same	7 min.

* One half foot shall be added to the front, side and rear yard setback for each foot that the building exceeds the max. height allowed in the most restrictive abutting district (30 feet). This project exceeds setback requirements.

ANALYSIS

Background**Previous Actions on the Site:**

The following table summarizes previous planning applications related to the subject site.

File Number	Brief Description	Hearing/Decision	Date
2003-0606	Use Permit: Private Elementary/Child Care (100 children or less)	Administrative Hearing/Approved	09/12/03
2003-0248	Unenclosed Temporary Use Permit: Extension of Practice Field Tent April -July 2003	Staff/Approved	04/04/03
2003-0015	Unenclosed Temporary Use Permit: Practice Field Tent January -April 2003	Staff/Approved	01/10/03
2001-0097	Use Permit: Temporary Trailer Buildings	Administrative Hearing/Approved	03/28/01
1992-0238	Use Permit: Trailers for Care Takers	Administrative Hearing/Approved	10/26/92

On January 10, 2003, Unenclosed Temporary Use Permit (UTU) #2003-0015 was approved by the Director of Community Development allowing the proposed practice tent to be set up on a temporary basis through the months of January to April 2003. On March 4, 2003, a second UTU Permit was approved by the Director of Community Development allowing an extension of UTU Permit #2003-0015 to allow the tent to remain up until July 2003. The tent was removed in July 2003, per the conditions of the permit. On July 8, 2003 staff sent a letter to the applicant requiring a Use Permit for future installation of the tent (See Attachment #6). The applicant is now requesting annual set up of the tent on-site.

Pre-Appeal & Administrative Hearing

On September 16, 2003 the City Council pre-appealed this application to Planning Commission. The Sunnyvale Municipal Code Section 19.98.080 states that the City Council shall have the authority to specify that certain land use permits be considered on appeal by the next higher decision making authority. (See Attachment 7, City Council Hearing Minutes- September 16, 2003). The Council expressed a concern that this application had the potential for considerable neighborhood interest and should therefore also be reviewed in the larger venue of a Planning Commission Hearing.

This application was heard at the September 24, 2003 Administrative Public Hearing. (See Attachment 8, Administrative Hearing Minutes- September

24, 2003). The Administrative Hearing Officer denied the application because the required findings were not able to be made as the project architecture is not compatible with the surroundings and did not meet the objectives of the Community Design Sub-Element and posed a potential detrimental effect to the neighborhood. Further, she directed staff to work with the Neighborhood and Community Outreach staff to set up a coordinated effort to address the multiple community concerns not related to this application.

Description of Proposed Project

This is an application to allow the installation of a 22,000 square foot canvas tent to cover an existing football practice field located at the former Patrick Henry School site. The existing practice field is AstroTurf and is used by a private indoor arena football organization. The proposed tent would be set-up annually during the months of November to July to facilitate indoor practice during the rainy season and replicate indoor arena football game conditions.

The former public school site is owned and managed by the Santa Clara Unified School District. The Patrick Henry Junior High School was a public school that was closed in the 1979. Since the closure of the public school a portion of the site has been used by the Santa Clara Unified School District for academic and office purposes. The majority of the site has been leased to different users including private schools, office uses and field uses by various athletic organizations. The alteration of the on-site use requires a Use Permit.

Environmental Review

A Class 11 Categorical Exemption relieves this project from California Environmental Quality Act provisions and City Guidelines. Class 11 Categorical Exemptions includes the addition of accessory structures.

Use Permit

Use: A 22,000 square foot, 40 foot 6-inch tall canvas tent is proposed to be setup over an existing arena football practice field during the months of November to July on an annual basis. The purpose of the tent is to facilitate indoor arena football practice during the rainy season, keeping the practice area and players dry. Additionally the tent simulates the indoor arena football conditions which players experience during official games at an off-site facility. This application is not considered a temporary use, as the tent would be set up 9 months out of each calendar year. At the Administrative Hearing the applicant indicated they would consider using the tent only 6 months a year from Thanksgiving to June 1st. The Hearing Officer indicated that even 6 months annually was not considered temporary.

There are a maximum of 50 employees/players on the site at one time. A majority of the players and staff utilize the practice field during the hours of 7:00 a.m. to 2:00 p.m. seven days a week. Approximately 10 employees/players would be on-site as early as 6:00 a.m. and stay until 9:00 p.m. This Use Permit does not change the total number of users and does not modify existing hours of operation. Special events on-site such as the "Sabercats Season Ticket Holder Event" would require a separate Unenclosed Temporary Use Permit, which can be obtained through the Planning Division.

Patrick Henry School Site: The former public school site's owner, Santa Clara Unified School District, leases the site to a number of different users including private schools, office uses and field uses by various athletic organizations. The following table reflects the current weekday users on site and includes total number of users on the site:

<i>Table 1</i> <i>Patrick Henry School Site Current Uses</i>		
Type of Use/Building	Square footage	Number of Users On-Site
School District Office Bldg. A	3,705 s.f.	12 employees
Appleseed Pre-School Bldg. B	16,794 s.f.	35 employees/ 250 students
Silicon Valley Muslim School Pre-8th Bldg. C	12,080 s.f.	Pre-K: 10 students/2 employees + K-8: 55 students/12 employees
Adult Education Bldg E	12,672 s.f.	120 adult students + 9 employees
Continuation School (8-10th grade) Bldg D	12,156 s.f.	6 employees /60 students
Private School Pre-6 th Bldg H	9,922 s.f.	10 employees + 100 students max.
Applicant: Sabercats Bldg "F" & "G" & Practice Football Field Tent	5,598 s.f. + 22,000 sf. tent	50 players/staff
Total Maximum Peak Use	88,599 s.f.	731 Users (employees, players, students)

Patrick Henry School Site Weekend Uses:

During the weekends adult soccer leagues utilize the athletic fields on site for game use. Generally there are three games going on during one time with three different sessions throughout the day. Approximately 100 people participate in each session.

Peterson Middle School Uses:

Peterson Middle School located to the north and west of the former Patrick Henry site operates as a public Middle School during the week with associated weekday and weekend school athletic events. Currently two private athletic organizations use the Peterson football field during the weekend. A Cricket

League uses it one day a week with approximately 30 players and a Police Activity League uses it every other week.

Off Site Surrounding Uses:

The site is surrounded by predominately single family residential uses with multifamily residential uses to the north. Laurelwood Public School, Raynor Park and Raynor Park Multi-Purpose Center are located to the south. A church use is located to the southwest of the site.

Canopy Noise: Staff received several noise complaints during the previous temporary installation of the tent earlier this year. The tent canopy created flapping noises when the weather was windy. Staff contacted the applicant regarding the complaints. The applicant adjusted and cinched down the tent canopy in order to eliminate the noise. Staff has included Condition of Approval #9, to secure tent canvas at all times to prevent noise and requires that the applicant monitor the tent canopy during windy weather.

Site Layout: The former Patrick Henry School Site is made up of eight different buildings, athletic fields and parking lots.

The subject 22,000 square foot tent would be located over the existing Astroturf football practice field which is located northeast of the former Patrick Henry School Site buildings and east of the Peterson Middle School running track. The practice field is centrally located on the school site. The arena football offices are located to the south with a designated pervious gravel parking lot to the west (See Attachment 3, Site and Architectural Plans). The tent is a minimum of 315 feet from surrounding residential uses.

Architecture: The proposed practice tent is made of a white canvas material stretched over a metal frame. The tent stands 40 feet 6 inches tall and is 22,000 square feet in area. The dimensions of the practice tent are 100 feet in width and 220 feet in length. An existing 10-foot tall wood wall surrounds the practice field. The proposed tent canopy would fit within the fenced area. (See Attachment 3, Site and Architectural Plans)

Architectural Design

The rectangular practice tent does not possess any architectural features or design considerations. The design is simple and functional, providing a weather proof interior environment. (See Attachment 4, Photos of Tent Setup on Site-January 2003) The practice tent does not relate architecturally to the school site buildings including the largest existing building adjacent to the site which is the Peterson Middle School gymnasium. Although there are deep setbacks for the tent (300 feet from the public street and a minimum of 300 feet from residential uses), the tent can be prominently viewed from all angles of the

property. The design is unappealing and very noticeable from surrounding vantage points.

Height and Scale

The practice tent is 40 feet 6 inches in height. In comparison the tallest building at the Patrick Henry site multipurpose building is 14 feet tall. The tallest building on the adjacent Peterson campus is the main gymnasium, which is 28 feet in height. The adjacent single family residential homes surrounding the site are predominantly one-story and the maximum height allowable is 30 feet. Scale is defined as the comparative relationship between two elements of a building or between a new building and others in the neighborhood. Staff considers the proposed practice tent is out of scale with the surrounding buildings and neighborhood.

Color and Materials

The proposed practice tent is made of white stretched canvas. The white color extenuates the scale and plainness of the structure. Staff considers the color and materials to be out of place to the surrounding building palette. The applicant has indicated that the only other color choices for this sized tent were red and white stripes or off-white.

Buildings and structures should be sympathetic to predominate building forms and scale of the neighborhood, including but not limited to height, bulk, character, building form, materials and colors. The proposed design is not sympathetic to these elements. The following Guidelines were considered in the analysis of the project architecture:

City Wide Design Guidelines	Comments
SCALE AND CHARACTER	
<i>B2. Adjacent buildings shall be compatible in height and scale.</i>	The proposed structure will be 12 feet taller than the tallest adjacent building and 27 feet taller the average on-site building. The proposed practice tent is out of scale with the surrounding buildings and neighborhood.
<i>B4. Buildings shall maintain similar horizontal and vertical proportions with the adjacent facades to maintain architectural unity.</i>	The practice tent does not relate architecturally to any of the school site building facades or proportions.
ARCHITECTURE AND DESIGN	
<i>C1. Maintain diversity and individuality in style but be compatible with the character of the neighborhood.</i>	The practice tent poses an individual style but is not compatible with the architectural character of the neighborhood.

City Wide Design Guidelines	Comments
<i>C5. Buildings shall have three distinct components: base, middle, and top. Define each component by horizontal and vertical articulation.</i>	The practice tent does not possess architectural features or design considerations. The practice tent is simple and functional shape with no articulation.
MATERIAL AND COLOR	
<i>F6. Coordinate exterior colors of adjacent structures on the same or adjacent sites.</i>	The proposed white color accentuates the scale and plainness of the structure. The color and materials are not harmonious to the surrounding building palette.
<i>F7. Use strong, bright contrasting colors for ornaments and accent only.</i>	The proposed tent's strong and bright white color is not used for ornamentation or accent rather the color is used over the entire structure.

Landscaping: The existing site exceeds landscaping requirements. Current landscaping on site consists of multiple turf areas throughout the site and several planting areas. 50% of the total site is landscaped, where 20% is required by City code. However the unimproved area surrounding the proposed tent is stark and not landscaped. Staff recommends Condition of Approval 10 to prepare a landscape plan, which will address the area around the tent site.

Parking/Circulation: There are currently 260 parking spaces on site, of which 7 are accessible spaces. The site has multiple uses which each have different hours of operation. The site experiences different peak hours of use and parking demands throughout the week. Currently the site is deficient by 33 spaces. The parking requirements for this site were recently reviewed as part of a Use Permit application to allow a private school on-site. On September 12, 2003, Use Permit #2003-0606 was approved with conditions of approval. Condition of Approval #10 requires a master-parking plan indicating how code-required parking spaces for weekday and weekend uses will be provided. Staff is currently working with the property owner, Santa Clara Unified School District, on a plan to meet the parking requirements. The School District has identified the opportunity to locate 50 additional spaces on-site. The proposed application for this Use Permit does not increase the demand for parking on-site.

Compliance with Development Standards

The proposed tent meets all development standards. The tent does not, however, meet the architectural design, scale or height compatibility guidelines defined in the Citywide Design Guidelines.

Expected Impact on the Surroundings

There is be no expected negative impact to the surrounding uses by the proposed change from outdoor to indoor practice field use other than the visual impact. If the application is approved staff recommends Condition of Approval #4 reducing the duration of the tent set up to a maximum of 6 months, from November through April. Staff believes this limitation more appropriately corresponds to the rainy season and reducing the impacts to the neighborhood. The noise created by the loose tent canvas material during windy weather would be addressed through staff's recommended condition of approval requiring that the canvas tent be secured at all times to prevent noise and that the tent canopy be monitored during windy weather.

Community Input

Staff has received approximately 11 inquiries from concerned community members regarding this project. The concerns ranged from overall tent size and height, negative aesthetic impacts to the community's character, duration of use and noise impacts from the canvas tent flapping in the wind. Seven of the community members expressed opposition to the proposal while four of the community members were more or less supportive of the application with modifications addressing the noise issue and duration of tent set-up. (Attachment #5, Email/Telephone Memos & Letters from Concerned Residents). Similar concerns were raised at the September 24, 2003 Administrative Hearing where a total of six interested parties provided testimony regarding the application (See Attachment 8, Administrative Public Hearing Minutes- September 24, 2003).

Findings, General Plan Goals and Conditions of Approval

Staff is recommending denial for this project because neither of the Findings (Attachment 1) could be made. However, if the Planning Commission is able to make the required findings, staff is recommending the Conditions of Approval (Attachment 2).

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Appeal to Planning Commission

Notice of Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Posted on the site• Mailed to the adjacent property owners of the project site• Mailed to the persons attending the Administrative Hearing.	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

At the September 24, 2003 Administrative Hearing a total of six interested parties provided testimony regarding the application. (See Attachment 8, Administrative Public Hearing Minutes- September 24, 2003) The Administrative Hearing was noticed per standard procedures.

Alternatives

1. Deny the application.
2. Approve the application with conditions of approval.
3. Approve the application with modified conditions of approval.

Recommendation

Alternative 1.

Prepared by:

Erin Megan Walters
Project Planner

Reviewed by:

Gerri Caruso
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

1. Findings
2. Conditions of Approval
3. Site and Architectural Plans
4. Photos of Tent Setup on Site-January 2003
5. Email/Telephone Memos & Letters from Concerned Residents
6. Letter to Applicant from Staff Regarding Required Use Permit, July 8, 2003
7. City Council Public Hearing Minutes- September 16, 2003
8. Administrative Public Hearing Minutes- September 24, 2003

Findings - Use Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale.

**Land Use and Transportation Element
The Neighborhoods: Public and Quasi-Public**

N1.14.3 Encourage multiple uses of some facilities (e.g. religious institutions, schools, social organizations, day care) within the capacity of the land and the roadway system.

The proposed practice tent would provide an indoor football field use for a private commercial organization at an existing school site. The school site located within a Public Facility Zoning District has a variety of users on site including office, private school, and private athletic organizations. The proposed project use is within the capacity of the land and current roadway system.

**Community Design Sub-Element
Private Development**

Goal 2.5C Ensure that buildings and related site improvements for private development are well designed and compatible with surrounding properties and districts.

The practice tent does not possess architectural features or design considerations. The practice tent is simple and functional rounded tent shape with no articulation. The structures height, scale and architecture are not compatible with the on-site school buildings nor are it compatible with the adjacent residential character.

Policy 2.5C.1 Place a priority on quality architecture and site design which will enhance the image of Sunnyvale and create a vital and attractive environment for businesses, residents and visitors, and be reasonably balanced with the need for economic development to assure Sunnyvale's economic prosperity.

The proposed architecture does not meet the City-Wide Design Guidelines and does not provide quality design. The private use of an indoor practice football field at a school site is a desired and compatible use however the proposed structure does not enhance the image of Sunnyvale.

2. The proposed use is desirable, and will not be materially detrimental to the public welfare or injurious to the property, improvements or uses within the immediate vicinity and within the Zoning District.

There would be no expected negative impact to the surrounding uses by the proposed change from outdoor to indoor practice field use. However the structure is incompatible to the surrounding uses due to the proposed architectural design, height, scale, and color. The proposed structure is not desirable and would be materially detrimental to the uses within the immediate vicinity, as the quality of the views from surrounding uses will be diminished with the installation of the structure.

Conditions of Approval - Use Permit

In addition to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions, the Permittee expressly accepts and agrees to comply with the following Conditions of Approval for this Permit.

1. Obtain Building Permits prior to construction.
2. The conditions of approval shall be reproduced on the cover page of the plans submitted for a Building permit for this project.
3. The Use Permit shall expire if the use is discontinued for a period of one year or more.
4. The permit is only for football practice tent use during the months of November through April, annually. Any major site plan and architectural modifications or changes to the use shall be treated as an amendment to the original Use Permit and shall be subject to approval at a public hearing, except minor changes of the original approved plans may be approved administratively by the Director of Community Development.
5. Obtain a business license from the City of Sunnyvale Revenue Division prior to commencement of use.
6. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for approval.
7. All recycling and solid waste shall be confined to approved receptacles and enclosures.
8. Signs require a separate sign permit.
9. Secure canvas tent at all times to prevent noise. Monitor tent canopy during windy weather.
10. Prepare a landscape plan, which will address the area around the tent site. The landscape plans shall be reviewed and approved by the Director of Community Development prior to issuance of building permits.